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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,658	02/04/2002	Heather N. Bean	10018569-1	6946

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EXAMINER
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JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/067,658

Applicant(s)

BEAN ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/4/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/4/2002</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 8, 10, 13, and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. US 6,614,477.**

Re claim 1, Lee discloses in figures 2-6 a camera system capable of capturing video images at different frame rates. The camera system includes video capture selector (55) having a first operating state in which the camera captures image data at a

Art Unit: 2612

first rate and a second operating state in which the camera captures image data at a second rate different from the first rate (col. 4, line 9 – col. 5, line 45). The selector (55) is switchable between the first and second states during continuous image capture and the the frame rate selection signal (SEL) may be produced from a user-controlled external switch (col. 5, lines 36-44).

Re claim 8, Lee discloses in figures 2-6 a camera system capable of capturing video images at different frame rates. The camera system includes method of actuating a variable-frame-rate-trigger (external switch for controlling SEL) by variation of operation of at least one operating parameter (external switch position); determining a capture frame rate as a function of the operating parameter; and capturing image data at said capture frame rate (col. 4, line 9 – col. 5, line 45).

Re claim 10, Lee states that a digital camera processor (45) processes the digital video signals at the selected frame rate and generates composite video for output (col. 4, lines 9-31).

Re claim 13, Lee discloses in figures 2-6 a camera system capable of capturing video images at different frame rates. The camera system includes CCD (42) for image capture. Lee discloses in figure 3 a timing diagram for image data generation. Lee states that gate signals are applied to the image capture device for every other field (310) responsive to a command frame rate that can be varied according to a signal

Art Unit: 2612

applied by a variable frame rate image capture controller (55) (col. 3, lines 49-64). The video capture selector (55) has a first operating state in which the camera captures image data at a first rate and a second operating state in which the camera captures image data at a second rate different from the first rate (col. 4, line 9 – col. 5, line 45). The selector (55) is switchable between the first and second states during continuous image capture and the the frame rate selection signal (SEL) may be produced from a user-controlled external switch (col. 5, lines 36-44). Therefore, it can be seen that according to the gate signals applied to a succession of fields (310) the camera system provides a method of creating video of an object comprising: imaging an object on a photodetector array; in response to a first user input applied to a variable-frame-rate-trigger (user-controlled switch controlling SEL) : generating a first image data set representative of said object; then waiting a first period of time (time between gate enable signals), then generating a second image data set representative of the object; in response to a second user input applied to said variable-frame-rate-trigger, wherein said second user input is different than said first user input (commanded frame rate is changed); generating a third image data set representative of said object (corresponding to the different commanded frame rate); then waiting a second period of time (time between gate enable signals at different commanded frame rate), then generating a fourth image data set representative of the object, wherein said second period of time is different than said first period of time (gate signals vary for varied frame rates (col. 3, lines 35-42); streaming said first image data set, said second image data set, said third image data set, and said fourth image data set (digital camera processor

(45) processes the digital video signals at the selected frame rate and generates composite video for output (col. 4, lines 9-31)).

Re claim 17, see claim 8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Ohkawara et al. US 6,630,950.**

Re claims 2-5, Lee discloses all of the limitations of claim 1 above. However, Lee only mentions that the frame rate selection signal (SEL) may be produced from a user-controlled external switch but does not further detail the switch.

Ohkawara discloses in figure 7 a camera including a rotary zoom switch. The rotary zoom switch (148) produces a signal based on a resistance that changes in accordance with the pressure exerted on the switch (col. 11, lines 1-12). Thus, the switch is progressively actuable according to the force exerted on the switch.

Therefore, it would have been obvious for one skilled in the art to have been motivated to include a switch with a resistance that varies in accordance with pressure exerted as disclosed by Ohkawara in the camera system disclosed by Lee. Doing so would provide a means for providing a switch that outputs a signal based on the pressure exerted on the switch (Ohkawara: col. 11, lines 1-12).

**Claims 6-7 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Niikawa US 6,710,809.**

Re claims 6-7, Lee discloses all of the limitations of claim 1 above. However, Lee does not distinctly state that the camera system includes a feedback (visual notification) of selection of the first rate and second rate.

Niikawa discloses in figures 10A-10D, a sub-display (100) of a camera. The sub-display (100) provides feedback (visual notification) of selection of processes (S103-S106) (col. 12, lines 37-54). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a visual notification of selection of camera processes as disclosed by Niikawa in the camera system including a frame rate selector disclosed by Lee. Doing so would provide a means for updating a display so that current settings selected by a user are displayed in order to inform a user of the current settings (Niikawa: col. 12, lines 37-54).

Re claim 11, Lee discloses all of the limitations of claim 8 above. However, Lee does not distinctly state that the camera system includes a feedback (visual notification) of selection of the first rate and second rate.

Niikawa discloses in figures 10A-10D, a sub-display (100) of a camera. The sub-display (100) provides feedback (visual notification) of selection of processes (S103-S106) (col. 12, lines 37-54). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a visual notification of selection of camera processes as disclosed by Niikawa in the camera system including a frame rate selector disclosed by Lee. Doing so would provide a means for updating a display so that current settings selected by a user are displayed in order to inform a user of the current settings (Niikawa: col. 12, lines 37-54).

**Claims 9, 12, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Matsumoto et al. US 6,795,642.**

Re claims 9, 12, and 14-15 Lee discloses in figures 2-6 a camera system capable of capturing video images at different frame rates. The camera system includes video capture selector (55) having a first operating state in which the camera captures image data at a first rate and a second operating state in which the camera captures image data at a second rate different from the first rate (col. 4, line 9 – col. 5, line 45). The selector (55) is switchable between the first and second states during continuous image capture and the the frame rate selection signal (SEL) may be



Art Unit: 2612

produced from a user-controlled external switch (col. 5, lines 36-44). Lee also states that a digital camera processor (45) processes the digital video signals at the selected frame rate and generates composite video for output (col. 4, lines 9-31). Although the Lee reference discloses the above limitations it fails to distinctly state that the first and second pluralities of images at first and second frame rates are stored.

Matsumoto discloses in figure 1 a video recording apparatus (2). The video recording apparatus (2) is capable of storing variable frame rate video image signals (col. 3, lines 34-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a means for storing video images signals of varying frame rates as disclosed by Matsumoto in the camera system disclosed by Lee. Doing so would provide a means for storing video signals that have different frame rates.

**Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Matsumoto et al. and further in view of Niikawa.**

Re claim 16, Lee in view of Matsumoto discloses all of the limitations of claim 15 above. However, the combination does not distinctly state that the camera system includes a feedback (visual notification) of selection of the first rate and second rate.

Niikawa discloses in figures 10A-10D, a sub-display (100) of a camera. The sub-display (100) provides feedback (visual notification) of selection of processes (S103-S106) (col. 12, lines 37-54). Therefore, it would have been obvious for one skilled in the art to have been motivated to include a visual notification of selection of camera

Art Unit: 2612

processes as disclosed by Niikawa in the camera system including a frame rate selector disclosed by Lee in view of Matsumoto. Doing so would provide a means for updating a display so that current settings selected by a user are displayed in order to inform a user of the current settings (Niikawa: col. 12, lines 37-54).

### ***Contacts***

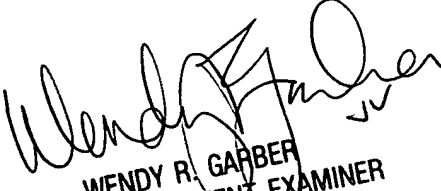
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on **(571) 272-7308**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
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